

REMARKS

Claims 1-14 are pending in this application. Claims 1 and 6 are amended herein. Neither of these claims has been narrowed in scope. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

The drawings have been objected to because, per claim 1, the CLB control logic is supposed to have four inputs and a single output but in the figure there are six inputs. Applicant respectfully submits that the drawings show one exemplary embodiment. The claims are in no way limited to this one embodiment.

The abstract has been objected to because of an issue with regard to the "if-then-else" branch. To avoid any unintentional confusion, reference to this element has been eliminated from the abstract.

Claim 1 has been objected to because the claim requires four inputs and one output for the CLB control logic circuit but the lone figure shows five [sic. six] inputs, the fifth input being a clock pulse. Applicant respectfully submits that claim 1 recites the invention that Applicant intends to claim. No correction of this claim is necessary. The claim is not limited to the particular embodiment illustrated in the figure.

Claims 1-14 were rejected under 35 U.S.C. § 101 for reciting nonstatutory subject matter. Applicant respectfully disagrees with this rejection. Claim 1, as an example, very clearly recites an arrangement that includes a number of structural elements including an input node, a CLB control logic circuit, a lookup table, an input data bus, a multiplexer, a control input node, and a register data bus. Reference to case law that refers to a "claimed process" has absolutely no bearing on the structure claims recited in the present application.

Claims 3, 6, 9 and 11 were rejected under 35 U.S.C. § 101 for lack of functional description. In particular, the Office Action states that "[c]onnection between modules with no explanation serves no function." Applicant respectfully submits that this conclusion is not based in any law, certainly not the statutory subject matter law surrounding Section 101.

Claim 6 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office Action states that the claim is not enabled because the phrase "input control node" is not defined in the specification. Applicant respectfully submits that one of ordinary skill in the art would be able to implement an input control node without undue experimentation. That being said, the claim has been amended to use the same (and synonymous) term used in the specification.

Claims 1-14 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Tseng (U.S. Patent Publication No. 2002/0152060) in view of Mano ("Logic and Computer Design Fundamentals," 2nd Edition Updated), and further in view of Barstow (U.S. Patent No. 4,827,404), and further in view of Hellestrand (U.S. Patent Publication No. 2002/0019969), and further in view of Miller (U.S. Patent No. 6,181,164), and further in view of Udagawa (U.S. Patent No. 6,388,767), and further in view of Nataraj (U.S. Patent Publication No. 2002/0161969), and further in view of Nomura (U.S. Patent No. 6,317,362).

While Applicant understands that there is no limit to the number of references that can be used in a valid Section 103 rejection, Applicant points out that no fewer than five references have been relied upon to show the seven elements of claim 1. Of significant

importance, none of these references provide any teaching or suggestion that they can be combined. In particular, the Office Action relies upon:

1. Tseng, which describes a XC4000 series FPGA;
2. Mano, at textbook that shows multiplexers used to select registers;
3. Bertow, which describes software to implement an if-then function;
4. Hellestand, which shows a virtual processor; and
5. Miller, which describes a programmable gate array.

Applicant respectfully submits that combination of these references is improper in order to obtain the present invention. A Section 103 rejection cannot be sustained by simply finding each of the elements in different, unrelated references. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claim invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP §2143.01. In this case, no teaching, suggestion or motivation exists.

It is black letter law to state that Applicant is entitled to a patent unless prior art is found to anticipate or make obvious the claimed invention. 35 U.S.C. § 102. In other words, the Office holds the burden of proof in making a prior art rejection. In order to make such a rejection, the Office has the obligation to make a prima facie case of obviousness.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP § 2143. The Office Action clearly fails to meet this burden of proof. Applicant therefore respectfully submits that claims 1-14 are allowable over the references of record.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ira S. Matsil, Applicant's attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge Deposit Account No. 50-1065.

Respectfully submitted,



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April 28, 2006

Date

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